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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/768,567	01/24/01	WALKER	J 96-001XX

022927  
WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD CT 06905

QM12/1109

EXAMINER

SAGER, M

ART UNIT

PAPER NUMBER

3713

4

DATE MAILED: 11/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

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file

<b>Interview Summary</b>	Application No. <b>09/768,567</b>	Applicant(s) <b>Walker et al</b>
	Examiner <b>Sager</b>	Group Art Unit <b>3713</b>

All participants (applicant, applicant's representative, PTO personnel):

(1) Sager

(3) \_\_\_\_\_

(2) Ms. Madalena Fincham

(4) \_\_\_\_\_

Date of Interview Nov 6, 2001

Type: a) Telephonic      b) Video Conference  
c) Personal [copy is given to 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes    e) No. If yes, brief description:

\_\_\_\_\_

\_\_\_\_\_

Claim(s) discussed: proposed claim amendments to 105 and 112 (attached)

Identification of prior art discussed:

Thacher, Liverance, Kelly (5816918 or 6015344)

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ms. Fincham requested interview to discuss patentability of proposed claimed invention. Exr directed counsel to prosecution (including parent/grand-parent) for reiterating teachings of Thacher for network of electronic game devices continuously accumulating play data for each player/game devcie and for accumulating game data for use in subsequent tournament/game and Liverance teaches effecting a game device while a player plays. Exr maintains that combination suggests a network of Liverance type game devices which effects game play for each player while each player plays which in effect influences game play of the tournament by definition since by effecting one (actually each one individually) player the play of the tournament is influenced. Examiner also stated Kelly teaches same game (including network quiz games) played in a torunament simultaneously which combined with Liverance also suggests claimed invention.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

**MARK SAGER**  
**PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

**Memo to Examiner Sager****From: Magdalena Fincham on behalf of Walker Digital****RE: Application No. 09/768,567; specifically rejection of claims 105 – 114.**

105. A method of conducting a distributed electronic tournament for a plurality of players, comprising:  
exchanging information between a central controller and a player located remotely from the central controller, the information (i) being exchanged while the player plays a game in the tournament and (ii) influencing game play of the tournament, thereby influencing game play of a plurality of players participating in the tournament in order to increase the probability that there is only one winner of the tournament; and  
storing in a database player information associated with the player, the stored player information being available for use in a subsequent tournament.

112. An apparatus for conducting a distributed electronic tournament for a plurality of players, comprising:  
means for exchanging information between a central controller and a player located remotely from the central controller, the information (i) being exchanged while the player plays a game in the tournament, and (ii) influencing game play; and  
means for storing in a database player information associated with the player, the stored player information [being available for use] to be used in a subsequent tournament to influence game play of the subsequent tournament while the player is playing a game in the subsequent tournament.

**Remarks:**

Claims 105 – 114 were rejected over Thacher in view of Liverance or instant background disclosure.

**Claim 105:** None of this art teaches or suggests game play of one player, exchanged while the player is participating in a tournament composed of a plurality of players, influencing game play of the tournament, as claimed in the amended claim 105. Liverance does not disclose a tournament composed of a plurality of players, much less the player's game influencing play of the tournament. Similarly, neither Thacher nor the instant background disclosure teaches or suggests influencing game play of a tournament based on such information in order to increase the probability that there is only one winner of the tournament.

**Claim 112:** Neither Thacher nor Liverance teaches storing information exchanged between a player participating in a tournament and a central controller for use in influencing game play of a subsequent tournament. While Liverance teaches use of a player handicap to adjust a final score of a subsequent game, Liverance does not teach or suggest influencing game play in a subsequent game. Adjusting a final score is not equivalent or suggestive of influencing game play while the player is playing a game. Similarly, neither Thacher nor the instant background disclosure teach or suggest such a feature.